

**ENTERED**

June 19, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UMEKA LEWIS-PICCOLO,

*Plaintiff,*

v.

CITY OF HOUSTON, *et al.*,

*Defendants.*

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CIVIL ACTION H-16-2897

**ORDER**

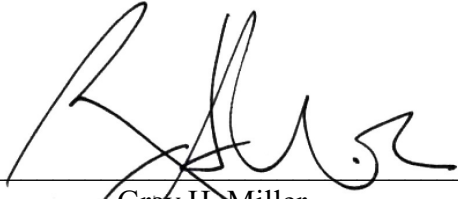
Pending before the court is the Magistrate Judge's Memorandum and Recommendation ("M&R"), recommending that (1) defendants City of Houston and Elizabeth E. Gonzalez's motion to dismiss (Dkt. 42) be GRANTED IN PART AND DENIED IN PART; (2) that defendant Maged Mohammed Abuzaid's (also known as David Reyes) motion to dismiss (Dkt. 43) be DENIED; and that (3) defendants' earlier motions to dismiss plaintiff's second amended complaint (Dkts. 20, 22) be DENIED AS MOOT. Dkt. 47. According to the M&R, the following claims remain: "Plaintiff's Section 1983 claim against Gonzalez and Plaintiff's claims for assault and IIED against Abuzaid." *Id.* at 25–26.

The M&R advises that any party wishing to object to the M&R must do so by June 15, 2017. *Id.* at 26. The court has received no objections. The court, having reviewed the M&R, relevant documents in the record, and the applicable law, and having received no objections, ADOPTS the M&R in its entirety.

For the reasons stated in the M&R, (1) defendants City of Houston and Gonzalez's motion to dismiss (Dkt. 42) is GRANTED IN PART AND DENIED IN PART; (2) Abuzaid's motion to dismiss (Dkt. 43) is DENIED; and (3) defendants' earlier motions to dismiss plaintiff's second amended complaint (Dkts. 20, 22) are DENIED AS MOOT.

It is so ORDERED.

Signed at Houston, Texas on June 19, 2017.



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Gray H. Miller  
United States District Judge